#EI-645
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February 25, 2004

Surface Transportation Board
Case Control Unit
1925 K Street
Washington, D.C. 20423-0001

Received
2/25/04

Attention: Rini Ghosh:

Re: Finance Docket No. 34284

Dear Ms Ghosh:

This letter is in further response to the Surface Transportation Board's January 28, 2004, notice of formal scoping process letter. The following outline is presented for consideration of the STB regarding the scoping of Finance Docket Number 34248:

FUNDAMENTALS AND ALTERNATIVES• The rail line and quarry are connected actions that lack independent utility and must be considered in the same EIS

- This means that the direct effects of a rail line and the direct effects of a quarry must both be analyzed in the same EIS
- This means that the cumulative effects analysis must disclose the sum total of no action, a rail line, and a quarry
- The required baseline "no action" alternative must be truly that: no quarry and no rail line
  - Vulcan wants "no action" to be a quarry served by thousands of trucks.
  - But the "action" here is a connected action. It is illogical to assume that "no action" can contain part of the action.
  - This will distort the analysis. We will never know that the impacts of the quarry alone are. If the quarry is assumed, less analysis will occur for its impacts, and it will be impossible to tell what impacts the phasing of the quarry has as time goes on.

- STB should consider the Medina Dam route alternative and assume that it will have a grade crossing over U.S. 90 if that is where it will need to connect to the UP main line.
  - This route should not be assumed to cross U.S. 90 at grade simply to exclude it from further consideration.
- Need for the project and its components vs. financial need
  - What is the financial relationship between the quarry and rail line?
    - Vulcan cannot prove that the rail line will exist without the quarry
    - Can Vulcan prove that the quarry will exist without the rail line? If so, where is that data?
  - What is the financial relationship between the phasing of the quarry and the rail line?
    - When will rail first become a profitable way to ship?
    - When will rail's profitability exceed that of trucking?
    - When, if ever (and particularly in the maximum production phases), is rail necessary to make the quarry profitable?
      - i.e., when does trucking become unprofitable?
  - What is the financial relationship between the quarry and the exclusion of certain alternatives?

2.

- How many trestle bridges can Vulcan afford to build?
- The Medina Dam alternative should not be excluded from consideration simply because it will require a grade separation without a showing of impracticability in the EIS
- No rail line alternative should be excluded from further consideration simply because it may require grade separations without a showing of impracticability in the EIS.

- What is the financial relationship between the quarry and the mitigation of certain alternatives?
  - No rail line alternative should be excluded from further consideration simply because it may require mitigation, including grade separations.
  - If a grade separation is required as mitigation for one road, that grade separation should be assumed for each of the rail line alternatives during the impact analysis
    - The STB should not wait to apply mitigation until after it picks a preferred alternative. The benefits of mitigation that would apply to all rail line routes, such as grade separation over a given highway, should be applied equally to all rail line alternatives.

DIRECT EFFECTS

Cultural resources (Cultural impacts cannot be defined until there are metes and bounds for the 1st choice and alternatives for the rail.)

- Define the area of projected effect for construction. This cannot be defined at this time.
- Define the area of impact for operation based on the results of the impact analysis
  - List the potential impacts (everything from flooding to vibration from bridge construction to noise and aesthetic impacts)

Options for buffer zones must address purchase of additional land, just like in the founding of our railroads to preserve sanctity of surrounding areas.

Geologic factors
Soils

For these issues, the impacts are listed in Lynn Kitchens June 12, 2003 letter.

- The EIS should survey for all of the geologic and soil features listed
- The EIS should consult with agencies with jurisdiction over the Edwards Aquifer to obtain an inventory of these features.
  - That inventory should be in the EIS in the form of a map showing all of the features and all of the alternatives.
- The EIS must answer the following questions
  - Is the karst topography active (are sinkholes forming)?
    The existing karst formations on the quarry site must be evaluated
- Direct impact analysis
  - Building over, filling in
  - Water withdrawal at the quarry
- Cumulative impact analysis
  - Vibration from blasting and train operation
- The agencies with jurisdiction over the Edwards Aquifer should concur with this finding

Land Use: Agriculture/Ranching/Hunting

- For this issue, the impacts are listed in Lynn Kitchens June 12, 2003 letter.
- STB should contact all of the landowners along each of the alternative routes to determine
  - Where ranching and agriculture and hunting activities currently occur

3.

- Where residences are located and in what proximity to the rail line alternatives and quarry site they are
- STB should analyze each category separately because they are different uses
- What STB has done in the past
  - Used the amount of land converted to rail right of way on each property as an indicator of how much impact the line will have on that property
- Impacts from land use will have socioeconomic impact
- Common carrier status will essentially grant condemnation authority to a private citizen and turn Vulcan into a sovereign. This would be a precedent that could never be corrected. That is not intended or expected by rail statutes.
- Why should Medina County be required to support a project that is designed to meet the needs of distant places.

Cumulative impacts: Land use

- Industrialization along the line predicted by Vulcan
  - Corresponding impacts on all categories of land use, including:
    - Residential
    - Hunting
    - Ranching
    - Agriculture
- Impacts from the quarry and rail line on the 4 categories above
- Will there be a negative impact to land values?
  - If so, where?

Flooding

- Must model with appropriate "design storm" rainfall for the statistical 10 and 100 year flood events
- Must select a model that accurately models rapid flash flood events, not one that simply makes steady state assumptions about water in the channel
- What is the buffer plan for the streams?
- Will any streams be filled at the quarry?
- What will be the flooding impact of increased runoff entering the streams from the quarry?

Air

Coarse (PM10) and Fine (PM2.5) particulate matter

- It is not whether the national standard will be exceeded that is important.
- The important issue for health effect purposes is the size of the incremental increase in particulate matter concentration.
- Computerized grid modeling must occur for both the quarry and the rail line
  - The quarry should be treated as an "area source"
  - The rail line should be treated as a line source or series of point sources
  - Account for all sources during rail line construction
  - Account for all sources during quarry construction and excavation, which will add to quarry operations
  - Account for all sources at the quarry, including trucks, the crusher, loading trains and trucks, and road dust
  - The results should be added and disclosed as the cumulative impact
  - Results should be presented graphically in the EIS
  - All modeling assumptions must be disclosed in the EIS
- STB cannot wait for the state to analyze these impacts in the state process. It must disclose them now in the EIS.

Off site impacts

- Unregulated particulate emissions from rail cars must be analyzed

4.

- A general emission rate per carload per rail mile should be calculated
- A general emission rate per carload when the train is stationary should be calculated

Road traffic and grade crossings

- Use the most recent road traffic data ADT available from TxDOT and field verify it if it is an estimate or not within the past 3 years.
  - Statement that "it hasn't changed" makes no sense unless it is verified
- Calculate the accident rate for non-grade separated crossings
  - No accident data exists for these new crossings. STB will not be able to use the familiar Federal Railroad Administration model that it has in the past, and will need to find some other way.

Wetlands

- Disclose and map both the jurisdictional and nonjurisdictional wetlands
- Disclose and map the stream fills necessary for bridge construction
- The entire wetland delineation should be included as an appendix in the EIS.

Wildlife

- What are the plant and animal species that are present in the project area, as opposed to simply being or not being on a list in an agency office?
- No monitoring has yet been done for any of the rail line alternatives
- Three years of monitoring is required for a BA on the quarry site
  - BA must be included in the EIS so that the public can comment on it
  - No BA will be complete until three years of monitoring occur on the quarry and rail line sites.
  - No EIS can be published for three years until this monitoring is complete.
    - Why?
      - Because we know that impacts on endangered species will occur as soon as construction begins, not when a given phase is reached.
      - Because the law requires disclosure of indirect as well as direct impacts from the action under consideration.

Noise

- When are the operations going to occur for quarry and rail (day or night?)
  - Apply the nighttime weighting penalty if operations will occur at night
- Take background measurements on land crossed by rail alternatives and outside of the "buffer area" properties proposed by Vulcan
- Locate all noise receptors (i.e. residences)
- Do computer modeling of noise from both the quarry and rail line
  - Account for all sources during rail line construction
  - Account for all sources during quarry construction and excavation, which will add to quarry operations
  - Account for all sources at the quarry, including trucks, the crusher, loading trains
  - The results should be added and disclosed as the cumulative impact
  - Results should be presented graphically in the EIS
  - All modeling assumptions must be disclosed in the EIS
- All mitigation or lack of mitigation decisions must be fully explained and justified

Cumulative impact: Rail operations

- Will traffic be switched when it reaches the UP main line?
  - If so, where?
  - If not, will the trains operate directly to their final destination?
- Whether or not trains will operate directly to their final destination, or will be switched, the following specific disclosures for the Houston region, a region of severe rail traffic problems, must be made:
  - Is the final destination a rail yard or transloading facility where the aggregate is offloaded onto trucks?
    - If yes, where are these facilities in the Houston region?

        - If no, where are the locations that this aggregate is offloaded in the Houston region?
    - What is the rail traffic impact on the Houston lines that these trains will have to operate on to reach their final destination?
        - These impacts on the rail system are not speculative.
        - Even though Houston has a rail traffic control system that routes traffic to varying lines, the capacities of these lines are known to STB.
            - What will be impact on the capacity of these lines from the rail traffic in this proceeding and from other reasonably foreseeable future actions?
            - What will be the road traffic impact from this proposal's additional rail traffic in Houston, when combined with other reasonably foreseeable future actions, at least for the initial years of quarry operations?
    - Based on the air quality analysis for off-site particulate emissions from rail cars, what is the increment of particulate emissions increase in the Houston area?
        - Is the carrier of these cars prepared to comply with Houston's nonattainment plan provisions relating to railroads?
- Will rail cars of any type (particularly hazardous materials) be stored anywhere along the proposed rail route?

Please place a copy of this outline in the administrative record for FD 34284. Your consideration of this outline is appreciated.

Respectfully submitted,

Robert T. Fitzgerald

Dr. Robert T. Fitzgerald, President
Medina County Environmental Action Association, Inc.

cc: U.S. Congressman Henry Bonilla
U.S. Senator John Cornyn
Texas Senator Frank Madla
Texas Representative Timiteo Garza
Texas Commissioner of Agriculture Susan Combs
Texas Department of Transportation James Randall,
Director, Transportation Planning and Programming
Medina County Judge Jim Barden
Medina County Commissioner Royce Hartman